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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,206	12/27/2000	Akira Ohmura	108231	5375

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EXAMINER	
RAMAN, USHA	
ART UNIT	PAPER NUMBER
2623	
MAIL DATE	DELIVERY MODE
04/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/748,206	OHMURA, AKIRA	
	Examiner	Art Unit	
	USHA RAMAN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *36-39,44 and 57-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *36-39,44 and 57-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 28th 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 36 and 44 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 36-37, and 58 44, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Pat. 6,266,483) in view of Itoh et al. (US PG Pub. 2001/0016108) and Wood et al. (2002/0054752).

Regarding claim 36, Okada discloses a DVD-RAM image recording medium for use in an image recorder for recording television broadcast programs and still pictures from a digital camera (see col 6, lines 43-52).

Okada discloses a first receiver (digital tuner 1905 - see col 16 lines 7 - 16) which receives broadcasted programs via satellite and a second receiver (decoder 1908 - see col 16 lines 7 - 16) which receives images from a still camera (see col 15 lines 32 - 37, see col 6 lines 43 - 52). It is noted that since broadcast programs and still images are recorded on the DVD, necessarily Okada discloses a "storage capable of storing both the data of visual broadcast program and digital image data" and a "recording circuit capable of recording both the data of visual broadcast program and the digital image data into storage". Furthermore, as Okada discloses that video sources include terrestrial broadcasting TV program, digital broadcasting TV program, video stream taken by a digital video camera and video data coded in MPEG program stream, etc. whereas still cameras are source of still images. See column 6, lines 43-52. As the sources of the two data maybe different, the data of the visual broadcast program maybe different from the digital image data, in addition to the format of the two data itself being different.

Okada further discloses a user can request to record a broadcast program form the digital tuner (see col 17 lines 15 - 20). It is noted that based on the user request, system controller 1902 (see fig. 19) controls the recording circuit to record the broadcast programs and the image data (see col. 17 lines 17 - 42).

Okada only discloses the step of user requesting record of either images from a still camera or broadcast video programs and user requesting a stop record command to halt the recording process for either. Okada fails to disclose

interrupting the recording of digital image data when recording instructions of the visual broadcast program are detected during the recording of the digital image data.

In an analogous art, Wood is evidence to one of ordinary skill in the art that it was well known at the time of the invention to assign priorities for recording select broadcast programs (such as highly preferred programs or programming type) wherein the priority is used to determine the importance of programs for conflict resolution (see [0038] and [0043]). Wood however discloses managing conflict by recording the higher priority in lieu of the lower priority.

In a further related art, Itoh however discloses the step of providing different levels of priority to recording of different data. The generating and storing one type of data (i.e. thumbnail images), is given low priority over storing a second type of data (i.e. video). Itoh however allows the lower priority task to run in the background, until the higher priority task is initiated upon which, the lower priority task is halted in favor the higher priority task. Itoh therefore provides the advantage of carrying on the lower priority task until resources are required for the higher priority task and interrupting the lower priority task to perform the higher priority task.

The elements of assigning priority to different recordings, and halting a lower priority task in session in favor of the higher priority task, were well known in the art at the time of the invention as evidenced by Wood, and Itoh. All the claim elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions

and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Claim 37 is met by the step of a digital still camera taking digital image data. See Okada column 6, lines 50-52.

With regards to claim 57, Okada discloses that video sources include terrestrial broadcasting TV program, digital broadcasting TV program, video stream taken by a digital video camera and video data coded in MPEG program stream, etc. whereas still cameras are source of still images. See column 6, lines 43-52. Okada therefore discloses that the source of the digital image data is different from and independent of a source of the data of the visual broadcast program.

5. Claims 44, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Pat. 6,266,483) in view of Itoh et al. (US PG Pub. 2001/0016108) Wood et al. (2002/0054752) and Logan et al. (US Pat. 7,055,166).

Regarding claim 44, Okada discloses a DVD-RAM image recording medium for use in an image recorder for recording television broadcast programs and still pictures from a digital camera (see col 6, lines 43-52).

Okada discloses a first receiver (digital tuner 1905 - see col 16 lines 7 - 16) which receives broadcasted programs via satellite and a second receiver (decoder 1908 - see col 16 lines 7 - 16) which receives images from a still camera (see col 15 lines 32 - 37, see col 6 lines 43 - 52). It is noted that since broadcast programs and still images are recorded on the DVD, necessarily Okada discloses a "storage capable of storing both the data of visual broadcast program and digital image data"

and a "recording circuit capable of recording both the data of visual broadcast program and the digital image data into storage". Furthermore, as Okada discloses that video sources include terrestrial broadcasting TV program, digital broadcasting TV program, video stream taken by a digital video camera and video data coded in MPEG program stream, etc. whereas still cameras are source of still images. See column 6, lines 43-52. As the sources of the two data maybe different, the data of the visual broadcast program maybe different from the digital image data, in addition to the format of the two data itself being different.

Okada further discloses a user can request to record a broadcast program form the digital tuner (see col 17 lines 15 - 20). It is noted that based on the user request, system controller 1902 (see fig. 19) controls the recording circuit to record the broadcast programs and the image data (see col. 17 lines 17 - 42). Okada further discloses that the user manually selects the desired information to be played back, and according, the appropriate decoder is selected for playback (see col. 19 lines 1 - 15). Accordingly the decoder reads on the claimed playback circuit.

Okada only discloses the step of user requesting record of either images from a still camera or broadcast video programs and user requesting a stop record command to halt the recording process for either. Okada fails to disclose interrupting the playback of digital image data when playback instructions of the visual broadcast program are detected during the playback of the digital image data.

In an analogous art, Wood is evidence to one of ordinary skill in the art that it was well known at the time of the invention to assign priorities for recording select

broadcast programs (such as highly preferred programs or programming type) wherein the priority is used to determine the importance of programs for conflict resolution (see [0038] and [0043]). Wood however discloses managing conflict by recording the higher priority in lieu of the lower priority. Logan additionally discloses that such priority levels maybe assigned for playback as well. See column 17, lines 14-17.

In a further related art, Itoh however discloses the step of providing different levels of priority to recording of different data. The generating and storing one type of data (i.e. thumbnail images), is given low priority over storing a second type of data (i.e. video). Itoh however allows the lower priority task to run in the background, until the higher priority task is initiated upon which, the lower priority task is halted in favor the higher priority task. Itoh therefore provides the advantage of carrying on the lower priority task until resources are required for the higher priority task and interrupting the lower priority task to perform the higher priority task.

The elements of assigning priority to different recording as well as playbacks, and halting a lower priority task in session in favor of the higher priority task, were well known in the art at the time of the invention as evidenced by Wood, Itoh and Logan. All the claim elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claim 58, Okada discloses that video sources include terrestrial broadcasting TV program, digital broadcasting TV program, video stream taken by a digital video camera and video data coded in MPEG program stream, etc. whereas still cameras are source of still images. See column 6, lines 43-52. Okada therefore discloses that the source of the digital image data is different from and independent of a source of the data of the visual broadcast program.

6. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Pat. 6,266,483) in view of Itoh et al. (US PG Pub. 2001/0016108) and Wood et al. (2002/0054752) as applied to claim 36 above, and further in view of Browne (WO 92/22983).

Regarding claim 39, However, Okada fails to disclose simultaneous recording of image data with data of the visual broadcast program.

In analogous art, Browne teaches a storage 104c providing simultaneous recording of programs from a multiple of sources (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the system to include the claimed storage medium to enable simultaneous recording of data from a plurality of sources.

7. Claims 38 and 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US Pat. 6,266,483), Itoh et al. (US PG Pub. 2001/0016108) and Wood et al. (2002/0054752) in view of Fumio (JP 10-129082).

With regards to claims 38 and 57, the modified system lacks that the control restarts the recording of the digital data image when the recording of the broadcast program ends.

In an analogous art, Fumio further teaches the step of resuming a lower priority task that was previously interrupted in favor of a higher priority task, when the higher task priority task has completed. See abstract and [0006]. Fumio therefore provides the advantages of resuming a low priority task automatically upon completion of high priority tasks, thereby making use of the resources as soon as they become available again.

It would have been obvious to one of ordinary skill in the art to further modify the system improving the interruption method of Itoh with the resumption method of a lower priority task as taught by Fumio in order to utilize the resources for completion of lower priority tasks as soon as they become available again.

With further records to claim 38, in resuming the recording until after the recording is completed, the modified system effectively postpones the recording of the lower priority task once interrupted until the higher priority task has been completed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

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